

**ATTORNEY PROFESSIONAL DEVELOPMENT STANDARDS**  
**September 6, 2001 DRAFT**

**I. The Purpose of These Standards**

These standards attempt to chart general guidelines for the development of well-rounded advocates capable of advancing a client's interests in a number of forums and areas. For staff attorneys, the standards diverge most from current BayLegal practice by requiring that those licensed for less than five years to consecutively practice in several of the program's substantive priorities (housing, health, family, income security). In the course of this cycle, the new attorney will not only learn the substantive law and its interconnection, but would also be exposed to motion, writ and appellate practice, formal and informal evidentiary hearings, and community advocacy. Our intention is build a cadre of poverty law advocates who are comfortable in several arenas even if they later choose to have a primary specialty.

These professional development standards will be prospectively applied, and therefor will be most applicable to newer attorneys in the program. For example, while it is generally expected that each attorney will become more proficient with experience, it is not intended to require more senior attorneys who have developed expertise in a particular field to transition through other areas of law. Their participation in this activity will be voluntary, and subject to the particular needs of the program.

Moreover, in applying this policy, we understand that factors such as the requirements of grant funding or the preferences of an individual attorney will affect whether, or when, someone will transfer to another area. Finally, to avoid disruption in offices which have traditionally assigned highly experienced paralegal advocates in government benefits cases, it may be that an attorney would move to another office if that is only way he or she can learn a particular specialty. The pace of a transition from one substantive priority to another would be discussed at the same time that the staff attorney and the managing attorney craft work and professional development plans.

By developing program standards and professional development guidelines, and by building a training, mentoring and evaluation structure for their accomplishment, we aim at in infrastructure that will better serve clients by building and retaining committed staff.

**II. Expectations of All Staff Attorneys**

- A. The attorney will develop knowledge and expertise commensurate with his or her experience in areas of substantive and procedural law, apply that legal expertise appropriately, and seek assistance from others on issues on which they lack sufficient expertise.
- B. The attorney increasingly develops substantive expertise in several areas of poverty law practice and advocacy skills in a variety of forums.

- C. Regardless of her or his years of experience, the attorney maintains a basic working knowledge of recent developments in state and federal case, statutory law and regulatory law related to the interests of BayLegal clients, through independent research and continuing legal education.
- D. The attorney is expected to be able to work successfully either independently or as a team member.
- E. The attorney is expected to be computer literate and proficient in the use of office machines.
- F. The attorney is expected to work as part of a team and is expected to share her or his information, contacts and experience with others.
- G. Each attorney, with the assistance of their supervisor, will draft an individual professional development and work plan. While attorneys are responsible for seeking out the training and experiences required by these standards, supervisors are responsible for taking reasonable measures to ensure the progressive professional development of staff.

### **III. Attorneys with up to Five Years of Experience**

#### **A. Acquisition of Legal Knowledge and Skills**

During the first five years of practice, the attorney will develop the following:

1. Basic knowledge of, exposure to and ability to recognize/identify basic issues in each of BayLegal's substantive priorities (Family, Health, Housing, and Income Security/Government Benefits).
2. Basic knowledge of and exposure to advocacy tools and techniques most commonly used in BayLegal's practice (administrative agency practice, community education, legislative and administrative advocacy, litigation, media, negotiation)
3. A new attorney will successively focus on several different substantive legal priorities (family, housing, health, and government benefits; and public education, employment, and consumer to the extent that funding is available) in order to develop the requisite expertise.

To allow for exposure to a variety of poverty issues and methods to address them, supervisors are to accommodate an attorney's requirement to acquire basic knowledge (1) in a minimum of three of BayLegal's substantive priority areas in the first five years, (2) in litigation and advocacy in the first three years, and (3) at least one other advocacy tool and technique every year during the first five years.

## **B. Acquisition of Experience**

With the assistance of co-counsel, attorneys with up to five years of experience are expected to successfully perform the following activities:

1. **Administrative/Legislative Advocacy:**
  - i. Follow major legislation and regulations in one of BayLegal's substantive priority and keep the unit and/or taskforce apprised of legislation and regulations that affect low-income clients.
  - ii. Where appropriate, work to draft, analyze and/or comment on at least one pending piece of legislation or regulation consistent with all funding sources requirements.
2. **Administrative Agency Practice:** Attorneys with an administrative agency practice will:
  - i. Interview and counsel individual and group clients
  - ii. Conduct fact investigations, including using agency discovery tools
  - iii. Conduct research and prepares research memoranda on legal issues
  - iv. Analyze facts and law and plan case strategy
  - v. Prepare basic documents (appeals of administrative agency rulings, requests for aid paid pending, rehearing or reconsideration)
  - vi. Prepare hearing memoranda
  - vii. Obtain information from agencies using FOIA or Public Records requests
  - viii. Prepare an administrative complaint, such as a civil rights complaint, or a demand letter concerning agency actions reflecting policies not in conformity with applicable law
  - ix. Prepare for contested matters and conduct administrative hearings (e.g., government benefits, rent control, or Section 8 hearing)
  - x. Develops an understanding of, and applies, the basic rules governing administrative agency practice (burden of proof, due process, exhaustion of remedies, preserving issues and creating a record supporting a review, standard of review, delegation)

- xi. Prepares and litigates one complaint or petition for court review of an administrative agency decision (under CCP 1094.5 or 42 USC 405(g)).

3. **Community Education:**

- i. Prepares community education materials for at least one area of law.
- ii. Does at least one community education presentation.

4. **Litigation:**

- i. Interview and counsel individual and group clients
- ii. Conduct fact investigations, including formal and informal discovery (using depositions, interrogatories, requests for production, subpoenas, and the Freedom of Information Act or Public Records Act)
- iii. Conduct research and prepares research memoranda
- iv. Analyze facts and law and plan case strategy
- v. Prepare basic affirmative pleadings (complaints, petitions, writs)
- vi. Prepare basic responsive pleadings (answers and responses)
- vii. Prepare basic documents (motions, injunctive relief, summary judgments)
- viii. Prepares for contested matters, including trials (in UD's or other simple matters) or arbitrations
- ix. Conduct a simple trial involving the presentation of evidence (e.g., UD court trial, evidentiary hearing in support of a court order, short causes)
- x. Co-counsels on one appellate matter

5. **Media:**

- i. Respond to press requests for information on advocacy issues.
- ii. Provide information for inclusion in annual advocacy or fundraising reports, or BayLegal newsletters.

6. **Leadership:**

- i. Participate in one BayLegal-wide activity with staff from other offices or units (including substantive task forces, program-wide law student recruitment or program-wide training, planning a program-wide event, serving on program-wide committees, etc.)

- ii. Participate with other advocates or community based organizations in activities related to the provision of legal services in BayLegal's substantive areas (including task forces, bar or court committees, organizations of substantive law advocates).
  - iii. Recruit and supervise volunteers and/or law students
7. **Case Load:** Carry an active caseload commensurate with experience and other assigned duties.

#### **IV. Attorneys with between Five to Seven Years of Experience**

Attorneys with between five to seven years of experience are expected to meet all of the above enumerated criteria for less experienced attorneys as well as perform the following:

##### **A. Acquisition of Knowledge:** The attorney will:

- 1. Maintain a general knowledge of all of BayLegal's substantive priorities (Family, Health, Housing, Government Benefits) and have a basic understanding of, and ability to recognize/identify basic issues in other areas affecting the client community (Consumer, Education, Employment, Immigration).
- 2. Have developed specialized knowledge and experience in two or more substantive areas of poverty law to the degree that that others in the program can call on the attorney for information or advice on the subject.
- 3. Maintain a general knowledge of the advocacy tools and techniques regularly employed in BayLegal practice (administrative advocacy, administrative agency practice, community education, legislative advocacy, litigation, media, negotiation), and have developed advanced skill and experience in one or more of these advocacy tools and techniques. The experience should be such that others in the program can call on the attorney for information or advice on the use of the advocacy tool or technique.
- 4. Demonstrate a basic working knowledge of all forums and advocacy techniques that relate to their areas of practice and/or to their caseload.
- 5. Demonstrate proficiency in basic trial and administrative agency practice skills.
- 6. Maintain a larger caseload with less supervision.
- 7. Independently identify practices and laws that adversely affect the rights of poor people and devise creative strategies for addressing these problems.

8. Demonstrate an understanding of the political/administrative landscape affecting the poor specifically in the areas of practice selected and devise creative strategies for addressing these problems.

**B. Acquisition of Experience:**

Attorneys with between five to seven years experience will be able to perform all items required of less experienced attorneys, as well as the following, to the extent related to the one or more substantive priority areas in which the attorney primarily practices.

1. **Administrative/Legislative Advocacy:** Analyze and comment on pending legislation and regulations consistent with the requirements of all funding sources.
2. **Community Education:** Develop or update a series of community education materials in the substantive area(s) of practice selected for specialization
3. **Litigation:**
  - i. Participate in complex litigation affecting more than one individual
  - ii. Counsel on one appellate matter
  - iii. Develop and implement a litigation strategy to address a systemic legal problem
4. **Media:** Prepare press releases, articles or other material for print or other media
5. **Leadership:**
  - i. Conduct a training for legal services or other advocates in one of the attorney's substantive priority areas.
  - ii. Mentor at least one other BayLegal advocate.
  - iii. Apply knowledge of poverty law issues, strategies and possible solutions to engage in at least one impact advocacy project that resolves one specific legal problem affecting the client community.
  - iv. Assume responsibility for a significant aspect of the work of a BayLegal substantive task force.
6. **Caseload:** Carry an active caseload commensurate with experience and other assigned duties

## **V. Attorneys with between Seven to Ten years of Experience**

Attorneys with between seven and ten years of experience are expected to meet all of the above-enumerated criteria expected of less experienced attorneys in area(s) selected as well as to perform the following:

### **A. Acquisition of Knowledge and Experience:**

1. Maintain knowledge of and involvement in legal issues and activities affecting poor people throughout BayLegal's service area.
2. Maintain knowledge of and involvement in leadership positions in the program (e.g., training, technology, fundraising, media).
3. Be skilled in all types of legal strategies and two or more areas of poverty law.
4. Be able to represent clients effectively in any forum that relates to the client's objectives and to use any advocacy techniques that may be necessary or appropriate.
5. Be willing and able to develop such mastery in other areas as necessary to respond to client needs and agency priorities.
6. Demonstrate the ability to initiate and complete major advocacy efforts effectively and efficiently, and to produce high quality work with acceptable results.

### **B. Examples of Activities the Attorney Will be Able to Perform:**

1. All items listed above for less experienced attorneys in the one or more substantive legal priorities in which the attorney practices.
2. **Leadership:**
  - i. Lead a task force, committee or regional coalition of advocates.
  - ii. Assist with the development of training, work, and professional development plans for two staff attorneys or advocates.
  - iii. Train and Mentor at least two staff attorneys or advocates.
  - iv. Prepare and lead a project or activity with a minimum of a one year work plan that is aimed at having an impact in the selected area of practice.

3. **Media:** Publish articles or educational materials.

## **VI. Attorneys with more than Ten Years Experience**

Attorneys with more than 10 years of legal services experience are expected to meet all of the criteria enumerated for less experienced attorneys in the selected areas of practice as well as to perform the following:

### **A. Acquisition of Knowledge and Experience:**

1. Maintain knowledge of and involvement in state or national level issues and activities affecting poor people.
2. Be highly skilled in all advocacy tools and techniques in the attorney's substantive areas practice.
3. Be willing and able to develop such mastery in other areas as necessary to respond to client needs and agency priorities.

### **B. Examples of Activities the Attorney Will be Able to Perform:**

1. All items listed above for less experienced attorneys in the one or more substantive legal priorities in which the attorney practices.
2. **Leadership:**
  - i. Lead a task force or other body of advocates or community based organizations.
  - ii. At least twice a year, keep program staff apprised of relevant changes in legislation or regulations within the substantive legal areas in which the attorney practices, by memoranda or training.
  - iii. With the assistance of development staff, prepare a funding proposal in a major area of practice.
  - iv. Train and mentor at least three program attorneys or advocates.

## **VII. Project Directors**

Project Directors are responsible for leading the staff in their project, ensuring a professional, productive work environment, fostering teamwork and continuous staff development, ensuring excellent creative legal services to clients, and meeting the project goals and reporting requirements of funders.



**A. Acquisition of Knowledge and Experience:**

In addition to meeting the expectations required of a staff attorney with his or her years of experience, a project director will demonstrate the following:

1. Creative advocacy, with expertise in the substantive area and relevant advocacy tools.
2. Being a role model and teacher for other attorneys and advocates.
3. Good communication skills, especially in running effective meetings and resolving conflicts.
4. Effective supervision skills, including mentoring and evaluation skills.
5. Knowledge of and implementation of the program's case management system, and relevant funding, reporting, and other compliance requirements.

**B. Examples of activities a Project Director must be able to perform:**

**1. Leadership:**

- i. Participate in the formation of policies related to the project.
- ii. Attend, and represent the program, at various related meetings, functions, and activities.
- iii. Model creative advocacy by engaging in varied and non-traditional methods of working with clients to create better communities.
- iv. Identify and anticipate economic and social trends which impact clients of the project, and develops and implements strategies that improve conditions for the client community.

**2. Staff Development:**

- i. With project staff, the managing attorney, and other necessary staff, develop an annual project work plan, regularly review progress toward plan goals, and, with staff input, modify the work plan as needed.
- ii. With the managing attorney, assist in the development of annual individual work, training and professional development plans for each attorney and advocate in the project.
- iii. Monitor and identify training needs of staff assigned to the project.

**3. Case Management:**

- i. Develop and implement a system for reviewing cases both opened and closed to insure accuracy and reliability of reported data and prompt access to client information.
- ii. Insure appropriate case management and compliance with the Advocacy Manual by attorneys and advocates in the project.
- iii. Conduct regularly scheduled individual case review meetings, provide advice, and check to make sure there is follow through on the project's cases and matters.
- iv. Conduct regularly scheduled staff and case review meetings.

**3. Supervision and Administrative Tasks:**

- i. Provide clear direction to project staff members.
- ii. Provide supervision to project staff commensurate with the staff member's experience and needs.
- iii. Provide appropriate and timely positive and negative feedback to project staff.
- iv. Addresses unsatisfactory work performance promptly and consults with the managing attorney on related matters.
- v. Prepare reports or provide information as needed by funding sources or the public relations needs of the program.

**VIII. Managing Attorneys**

Managing Attorneys are responsible for leading the staff in their office, ensuring a professional, productive work environment, fostering teamwork and continuous staff development, ensuring excellent creative legal services to clients, and meeting the project goals and reporting requirements of funders.

**A. Acquisition of Knowledge and Experience:**

In addition to meeting the expectations required of a staff attorney with his or her years of experience, a managing attorney will demonstrate the following:

1. Creative advocacy, with expertise in the substantive area and relevant advocacy tools.
2. Being a role model and teacher for other attorneys and advocates.
3. Good communication skills, especially in running effective meetings and resolving conflicts.
4. Effective supervision skills, including mentoring and evaluation skills, and the ability to effectively impose discipline where required.
5. Knowledge of and effective implementation of the program's case management system, and relevant funding, reporting, and other compliance requirements.
6. Knowledge of and effective implementation of the program's personnel policies and the provisions of the Collective Bargaining Agreement.

**B. Examples of activities a Managing Attorney will be able to perform:**

**1. Leadership:**

- i. Participate in the formation of BayLegal and regional office policy.
- ii. Attend, and represent the program, at various related meetings, functions, and activities.
- iii. Model creative advocacy by engaging in varied and non-traditional methods of working with clients to create better communities.
- iv. Identify and anticipate economic and social trends which impact clients of the project, and develops and implements strategies that improve conditions for the client community.

**2. Staff Development:**

- i. With office and other necessary staff, develop a coordinated annual work plan for the office, regularly review progress toward goals, and, with staff input, modify the work plan as needed.
- ii. Assist in the development of annual individual work, training and professional development plans for each attorney and advocate in the office, and periodically meet with the staff member to discuss progress on and modifications of these plans, as needed.
- iii. Monitor and identify training needs of office staff.

- iv. Take reasonable measures to ensure the professional development of staff, including the need for attorney staff to be proficient in more than one substantive legal priority.

3. **Case Management:**

- i. Develop and implement a system for reviewing cases both opened and closed to insure accuracy and reliability of reported data and prompt access to client information.
- ii. Insure appropriate case management and compliance with the Advocacy Manual by attorneys and advocates in the office.
- iii. Conduct regularly scheduled individual case review meetings, provides advice, and checks to make sure there is follow through on the project's cases and matters.
- iv. Conduct regularly scheduled staff and case review meetings.

4. **Supervision and Administrative Tasks:**

- i. Provide clear direction to office staff members.
- ii. Provide supervision to office staff commensurate with the staff member's experience and needs.
- iii. Provide appropriate and timely positive and negative feedback to office staff.
- iv. Meet with individual staff members to discuss performance and prepare an annual evaluation which is consistent with program standards.
- v. Within reason, match an office staff member's skills and strengths to various work functions needed by program.
- vi. Address unsatisfactory work performance promptly and follow through on related disciplinary matters.
- vii. Enforce program standards to achieve quality legal services.
- viii. Prepare reports or provide information as needed by funding sources or the public relations needs of the program.